

# SENATE RECORD VOTE ANALYSIS

104th Congress  
2nd Session

Vote No. 284

September 11, 1996, 4:18 pm  
Page S-10278 Temp. Record

## TREASURY APPROPRIATIONS/Federal Employee Abortion Fringe Benefit

**SUBJECT:** Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1997 . . . H.R. 3756.  
DeWine/Nickles motion to table the committee amendment beginning on page 80, line 20.

### ACTION: MOTION TO TABLE AGREED TO, 53-45

**SYNOPSIS:** As reported, H.R. 3756, the Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1997, will provide \$23.5 billion in new budget authority (BA) for the Department of the Treasury, Postal Service, Executive Office of the President, and various independent agencies. This amount is \$324 million more than the amount provided in FY 1996, \$175 million more than the amount provided in the House-passed bill, and \$1.36 billion less than requested by President Clinton.

**The committee amendment beginning on page 80, line 20**, would strike a prohibition on using funds from this Act to pay for abortions as a fringe benefit under Federal Employee Health Benefit (FEHB) insurance policies except when necessary to save the life of a mother, or when a pregnancy resulted from rape or incest.

Debate was limited by unanimous consent. Following debate, Senator DeWine moved to table the amendment. Generally, those favoring the motion to table opposed the amendment; those opposing the motion to table favored the amendment.

**Those favoring** the motion to table contended:

The issue raised by this amendment is very narrowly drawn. We are not debating the Constitution; we are not debating the legality of abortion; we are not in any way limiting the current situation which allows for abortion-on-demand, for any reason at any stage right up until the moment of birth. What we are debating is whether the American taxpayers have to pay for abortions as a fringe benefit to Federal employees as part of their health insurance policies, and, if so, under what circumstances.

Abortion is not just another medical procedure. Those Senators who describe it thusly are not being constructive. It is the most divisive issue in America this century. On one side, we have those Americans, including ourselves, who view preborn children as

(See other side)

YEAS (53)			NAYS (45)			NOT VOTING (2)	
Republicans (43 or 83%)		Democrats (10 or 22%)	Republicans (9 or 17%)		Democrats (36 or 78%)	Republicans (1)	Democrats (1)
Abraham	Hatch	Biden	Campbell	Akaka	Kerrey	Roth <sup>2</sup>	Pryor <sup>4</sup>
Ashcroft	Hatfield	Breaux	Chafee	Baucus	Kerry		
Bennett	Helms	Conrad	Cohen	Bingaman	Kohl		
Bond	Hutchison	Dorgan	Jeffords	Boxer	Lautenberg		
Brown	Inhofe	Exon	Kassebaum	Bradley	Leahy		
Burns	Kempthorne	Ford	Simpson	Bryan	Levin		
Coats	Kyl	Heflin	Snowe	Bumpers	Lieberman		
Cochran	Lott	Johnston	Specter	Byrd	Mikulski		
Coverdell	Lugar	Nunn	Stevens	Daschle	Moseley-Braun		
Craig	Mack	Reid		Dodd	Moynihan		
D'Amato	McCain			Feingold	Murray		
DeWine	McConnell			Feinstein	Pell		
Domenici	Murkowski			Glenn	Robb		
Faircloth	Nickles			Graham	Rockefeller		
Frahm	Pressler			Harkin	Sarbanes		
Frist	Santorum			Hollings	Simon		
Gorton	Shelby			Inouye	Wellstone		
Gramm	Smith			Kennedy	Wyden		
Grams	Thomas						
Grassley	Thompson						
Gregg	Thurmond						
	Warner						

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

fully human, though small and defenseless, with an inalienable right to life that cannot be morally or logically denied. We know that from the moment of conception, the unique genetic blueprint of each individual is set. We know that the heartbeat can be monitored starting 21 days after conception; we know that brain waves can be measured by 40 days. As a matter not of faith, not of opinion, but of medical fact, we know that each person's life begins at conception. For us, a preborn baby is a baby, not a choice. On the other side, we have those Americans who argue that humanity is not reached until a certain level of development, however imprecisely defined, is reached. Those Americans believe that it should be left to each woman to determine for herself at what point the right to life begins. At the same time, though, the fact that ardently pro-choice groups such as Planned Parenthood say that they want abortion to be "safe, legal, and rare" shows that even they understand that abortion is not just another medical procedure--the emotional and spiritual consequences of ending a life, even if one does not accept that the life is sufficiently developed to be given constitutional protection, are often severe. The starting point of this debate, therefore, should not be from the false premise that we are talking about just another medical operation.

Given the unique nature of this operation, the question before the Senate is whether it should be funded by the Federal Government as though it were any other legal operation. In poll after poll for the past 2 decades the overwhelming majority of Americans have said no. In last Congress' debate on socializing health care, for example, three-fourths of all Americans said that they did not think abortion coverage should be included as part of any national health care plan. Americans, whether pro-life, pro-choice, or somewhere in between have too many reservations themselves, and have too much respect for the views of those who oppose abortion, to support public funding of it. The controlling court case for this amendment is not *Roe v. Wade*, which discovered the right to an abortion written between the lines of the Constitution, but *Harris v. McRae* (1990), which held that the Federal Government does not have to fund abortion. The Supreme Court has legalized abortion, but it has also said it cannot find any statements between the lines of the Constitution that say that American taxpayers or anyone else has to subsidize it.

Some insurance companies pay for abortions; others do not. Private employers who offer health insurance have the choice of picking or designing plans with or without such coverage. We asked both Planned Parenthood and the Congressional Research Service for an estimate of the percentage of plans that provided abortion coverage, and both replied that an accurate estimate could not be given. However, the point is that Americans have a choice as to whether they belong to a plan that pays for abortions. They do not have a choice as to whether they pay taxes. From 1984 to 1993 the Federal Government, as the Nation's largest employer, had as its official policy that it would not pay for abortion as a fringe benefit. As an employer it clearly has the right to offer or to refuse to offer abortion coverage. The Federal Government pays an average of 72 percent of the health care premiums of its employees. That 72 percent, of course, is not money that the Federal Government collects out of thin air--it is money that is collected in taxes from Americans, three-quarters of whom do not want to see it spent on paying for abortions. Therefore, the Federal Government's refusal to subsidize abortion from 1984-1993 was a policy that most Americans favored.

In 1993 President Clinton pushed a change in that policy through Congress. For 2 years, people who were unalterably opposed to abortion were forced to pay for an estimated 17,000 abortions each year for any reason. Last year, Congress restored the policy that the American people favor, but now some Senators want to reinstate President Clinton's policy. A vote to table will stop that effort. The narrow question before us is will those Americans who stand in defense of life be forced to pay for its destruction with their taxes. We do not believe that they should, and thus strongly support the motion to table.

**Those opposing** the motion to table contended:

Abortion is a legal medical procedure. More than twenty years ago, the Supreme Court announced that the Constitution guarantees a woman the right to choose. Some of our colleagues have not yet accepted that decision. They are determined to roll back the clock on women's rights by gradually gutting, watering down, and stripping away the right to procure an abortion. The House included in this bill a provision that will significantly harm the right of 1.2 million Federal employees to choose. That provision will forbid Federal employee health benefit plans from offering abortion services coverage. The committee amendment which we are debating will strike this House provision. Federal health insurance is not something that is given--it is earned. If a woman chooses a health care plan that pays for abortions, she is choosing that plan with her money, not the Federal Government's. She is choosing that plan in the same way that women in the private sector are able to choose health care plans. Though estimates vary, roughly two-thirds of health insurance plans now offer abortion coverage. Most private-sector employees thus have the option of choosing abortion coverage as a health insurance benefit. If this amendment is not agreed to, then Federal employees will either have to purchase additional abortion coverage on their own or will have to pay for their abortions out of their own pockets. The average abortion cost of \$250 is not a minor cost for all Federal employees. Many single women who are employed by the Federal Government are near the poverty level. Further, some abortions are more expensive--if there are medical complications, or if the woman is in her second or third trimester, the costs are much higher. This issue is a personal issue on which the government should not legislate. We urge our colleagues not to table the committee amendment.